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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/517,383 03/26/98 POOL

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EXAMINER

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AROLA, D

ART UNIT	PAPER NUMBER
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3627

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DATE MAILED:

09/15/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/517,383

Applicant(s)
P.L. Poll et al

Examiner
Dave W. Arola

Group Art Unit
3627



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 17-27 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 1

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Barrett.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18, 21, 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett in view of Holbert et al. The patent to Barrett discloses applicants' joint with the exception of the joint filling material being an open celled polyurethane foam and/or the relative thickness of the cover. The patent to Holbert et al teach the use of an open celled polyurethane foam and with such a teaching it would have been obvious to a person having ordinary skill in the art to provide the filling material of Barrett to be an open celled polyurethane foam for the obvious advantage of shock and water absorbing properties. In addition, it would have been an obvious matter of design choice to provide the cover with the recited relative thickness, since

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applicant has not disclosed that such solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with other thicknesses depending upon the depth of the water.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett in view of Hilbush. The patent to Barrett discloses applicants' joint with the possible exception of the sleeve being a wrapped sleeve. The patent to Hilbush teaches such and with this teaching it would have been obvious to a person having ordinary skill in the art to provide the sleeve of Barrett to be a wrapped sleeve for the obvious advantage of ease of installation..

Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 23 above, and further in view of Holbert et al. The patent to Holbert et al applying here as in claims 18, 21, 22 and 27 above.

It is to be noted that this application contains claims 1-27 of which claims 1-16 have not been acted upon since such claims were prosecuted in applicants' parent case which has matured into Patent Number 5,900,195. Applicants should cancel claims 1-16.

The patents are cited to show joint means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Arola whose telephone number is (703) 308-2206. The examiner can normally be reached on Monday through Thursday from 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Anne Dayoan, can be reached on (703) 308-3865. The fax phone number for this technology center is (703) 305-3597.

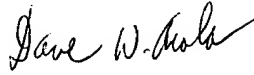
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Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 308-2168.

Arola
September 12, 2000


Dave W. Arola
Primary Examiner
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